



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,716	06/26/2003	Marian Rudolf	I-2-0361.1US	5784
24374 7590 06/08/2009 VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103				
EXAMINER LU, ZHIYU				
ART UNIT 2618		PAPER NUMBER		
MAIL DATE 06/08/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/606,716

**Applicant(s)**

RUDOLF ET AL.

**Examiner**

ZHIYU LU

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/24/2007 have been fully considered but they are not persuasive.

Regarding the rejections, applicants argued that citations in Lieshout do not teach sending user measurements from the SRNC to the DRNC. Applicants then argued that the timing adjustment of Fauconnier cannot be equated to RSCP or ISCP.

However, the Examiner does not agree. In contrast to applicants' argument, paragraph 0035 of Lieshout does not disclose requesting information from the DRNC by the SRNC, but rather requesting resources (e.g. services) for the UE. Lieshout teaches that the SRNC collects user measurements (e.g. BER, SIR, BLER) and common measurements (e.g. traffic volume, percentage of maximum base station power being used) in paragraph 0038. Lieshout also discloses that these measurement parameters are used in regulating transmission power in paragraph 0014. In paragraph 0042, Lieshout teaches that the SRNC provides "intelligence" (not adjustment command) for a power regulation scheme controlled at the DRNC, which means the SRNC sends the measurement parameters to the DRNC for power regulation. As the DRNC acquiring the information, one of ordinary skill in the art would have obviously seen requesting involved. Unlike applicants' argument, Fauconnier is used in teaching global positioning system timing information being a common measurement (paragraph 0109), but not RSCP or ISCP. Terry teaches taking user measurements of RSCP and ISCP (paragraph 0008). In combination, Lieshout, Fauconnier, and Terry teach the claimed limitations in intelligences acquisition from SRNC for power regulation scheme of DRNC.

Thus, the rejections are proper and maintained.

***Information Disclosure Statement***

2. The information disclosure statements filed 01/25/2008, 03/12/2008, 12/08/2008, and 03/29/2009 fail to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lieshout et al. (US2002/0094833) in view of Fauconnier et al. (US2002/0025820), and Terry et al. (US2003/0016641).

Regarding claim 36, Lieshout et al. teach a method for use in a wideband code division multiple access communication system having a serving radio network controller (SRNC) and a drift radio network controller (DRNC), the method comprising:

Note: It is known that a RNC can be as either a SRNC or a DRNC, which depends on the perspective of a user equipment (UE).

requesting by one of the DRNC (28 of Fig. 3) and the SRNC (26 of Fig. 3) common measurements using a global procedures module of a radio network sublayer application part (RNSAP) procedures over a radio network controller interface (IUR) for an other of the DRNC and the SRNC (paragraph 0042, acquiring intelligence from SRNC for power regulation), the common measurements including received total wideband power and load (paragraphs 0014, 0038);

in response to receiving requests for the common measurements using the global procedures module of the RNSAP procedures from the IUR by the other of the DRNC and the SRNC, sending a response message using the global procedures module of the RNSAP procedures over the IUR (paragraphs 0014-0016, 0042, obvious in acquiring information from SRNC);

SRNC taking measurements in received signal strength, SIR, etc. for determining transmit power (paragraphs 0038-0040), and taking measurements in power strength and interference (paragraphs 14, 40); and

the SRNC in response to receiving the request for user measurements, sending the user measurement to the DRNC using RNSAP procedures over the IUR (paragraphs 0014-0016). But, Lieshout et al. do not expressly disclose common measurements including global positioning system (GPS) timing information; and the DRNC requesting user measurements from the SRNC using the RNSAP procedures over the IUR, the user measurements including received signal code power (RSCP) and interference signal code power (ISCP)

Fauconnier et al. teach common measurements including global positioning system (GPS) timing information (paragraph 0109); and a SRNC sending UE measurements on a DRNC to the DRNC (Fig. 6, paragraph 0078), which would have been obvious to one of ordinary skill in the art to recognize that a DRNC is able to allocate resources based on measurements sent from a SRNC before establishing connection with a drifting UE.

Terry et al. teach taking measurements in received signal code power (RSCP) and interference signal code power (ISCP) (paragraph 0008).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate taking user measurements of RSCP and ISCP taught by Terry et al. and taking common measurement of GPS timing info taught by Fauconnier et al. into the method of Leishout et al., in order to provide more information to DRNC for its power regulation scheme.

Regarding claim 25, Leishout et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) drift radio network controller (DRNC) as explained in response to claim 36 above, where a logic device configured to control a measurement request device is inherent in radio network controller.

Regarding claim 29, Leishout et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) serving radio network controller (SRNC) as explained in response to claim 36 above, where a measurement response device is inherent in radio network controller.

Regarding claim 32, Leishout et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) radio network controller (RNC) configured to operate as a serving radio network controller (SRNC) and a drift radio network controller (DRNC) as explained in response to claim 36 above, where a logic device configured to control a measurement request device is inherent in radio network controller.

Regarding claim 38, Leishout et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) drift radio network controller (DRNC) as explained in response to claim 36 above, where a radio resource management device configured to use the RSCP and ISCP user measurements to control resources of cells associated with the user measurements is inherent in radio network controller.

Regarding claims 26, 30, 33 and 37, Leishout et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25, 29, 32 and 36.

Terry et al. teach the RSCP is the RSCP of a common control channel (paragraph 0008).

Regarding claims 27 and 34, Leishout et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25 and 32.

Leishout et al. teach the measurement request device is configured to receive responses the requests for common measurements and user measurements (paragraph 0014).

Regarding claims 28 and 35, Leishout et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25 and 32.

Terry et al. teach a measurement collection device (CQ storage device in base station) for storing the received responses (paragraph 0021)

Regarding claim 31, Leishout et al., Fauconnier et al., and Terry et al. teach the limitation of claim 29.

Leishout et al. teach the measurement response device is configured to retrieve the user measurements from a measurement collection device (paragraphs 0035, 0043-0044).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZHIYU LU whose telephone number is (571)272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu  
Examiner  
Art Unit 2618

/Z. L./  
Examiner, Art Unit 2618  
May 29, 2009

/Duc Nguyen/  
Supervisory Patent Examiner, Art Unit 2618